

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
 US Department of Commerce
 United States Patent and Trademark
 Office, PCT
 2011 South Clark Place Room
 CP2/5C24
 Arlington, VA 22202
 ETATS-UNIS D'AMERIQUE
 in its capacity as elected Office

Date of mailing (day/month/year) 21 May 2001 (21.05.01)	
International application No. PCT/NL00/00584	Applicant's or agent's file reference P48868PC00
International filing date (day/month/year) 24 August 2000 (24.08.00)	Priority date (day/month/year) 27 August 1999 (27.08.99)
Applicant BLOM, Patrick, Johannes et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

02 March 2001 (02.03.01)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election
- ☒
- was

☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Juan Cruz Telephone No.: (41-22) 338.83.38
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REC'D 04 DEC 2001

WIPO PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P48868PC00	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/NL00/00584	International filing date (day/month/year) 24/08/2000	Priority date (day/month/year) 27/08/1999
International Patent Classification (IPC) or national classification and IPC B44C1/17		
Applicant HEINEKEN TECHNICAL SERVICES B.V. et al.		



1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 1 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 02/03/2001	Date of completion of this report 30.11.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich T l. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Van Laarhoven, W Telephone No. +49 89 2399 2814 

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/NL00/00584

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1-7 as published

Claims, No.:

1-6 as published

Drawings, sheets:

1/1 as received on 27/09/2001 with letter of 27/09/2001

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/NL00/00584

☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims 1-6
	No: Claims

Inventive step (IS)	Yes: Claims
	No: Claims 1-6

Industrial applicability (IA)	Yes: Claims 1-6
	No: Claims

2. Citations and explanations see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:
see separate sheet

item VIII)

1) According to claim 1 of the application the claimed transfer material comprises a pigmented layer.

However, according to the description the pigmented (opaque) layer appears to equal an image layer (page 3, line 5) and/or a (printed) ink material (page 4, lines 21, 24 and 32) colored with pigments or dyes (page 4, lines 33 and 34).

The terminology in the application is therefore not consistent (Rule 10.2 PCT)).

2) According to the passage on page 5, line 34 to page 6, line 3 "The essential aspect of the invention resides in the use of a pigmented layer between the image layer and the adhesive layer. The said pigmented layer, preferably opaque, at least consists of an ink resin as a binder, white pigment, the white pigment usually being titanium dioxide, zinc oxide and/or calcium carbonate, and aluminium powder." (underlining added).

However in claim 1 the colour of the pigment is not specified. The pigment may therefore be of any colour.

There is therefore an inconsistency regarding an apparently essential feature of the invention between claim 1 and the description (PCT-Guidelines C III 4.3).

3) Claim 1 concerns a "transfer label material for image transfer". "Image transfer is defined as the process of transferring a reverse printed ink-only image from a backing material (carrier web) onto a receiving surface" (page 1, lines 16 to 19 of the description (underlining added)). "In the context of the present invention the term image transfer is used to define a labelling system, wherein a removable backing layer is reverse printed with a suitable ink and subsequently overprinted with adhesive. Important in the image transfer technique is the absence of a transparent or opaque supporting carrier film on the image, once it has been transferred to the surface" (page 3, lines 27 to 33 of the description (underlining added)).

However, according to the passage on page 4, lines 5 to 8, of the description "in the context of the present invention it is also possible to use other types of no-label-look materials, such as transparent or semi-transparent labels having a supporting film layer that is incorporated in the label." (underlining added).

The concept of image transfer is therefore confusing. As a consequence claim 1 is obscure.

4) The problem solved by a transfer label material appears to provide sufficient opacity

to fully cover and mask the preexisting print (page 1, lines 23 to 26 of the description, see also page 2, lines 7 to 9 and page 6, line 35 to page 7, line 10 of the description).

However according to the passage on page 4, lines 5 to 8 of the description "in the context of the present invention it is also possible to use other types of no-label-look materials, such as transparent or semi-transparent labels having a supporting film layer that is incorporated in the label." (underlining added). Moreover according to the passage on page 5, line 36 the pigmented layer is (only) preferably opaque. This is also the subject of the dependent claim 2.

It is therefore not clear whether the subject matter of the present claim 2 is an essential feature of the invention or not.

5) According to the passage on page 2, lines 20 to 24 of the description it has been found that adding a relatively small amount of aluminium powder to at least one pigmented layer results in an opacity, sufficient to hide an existing underlying printing and/or to prevent bleed through of the background colour. The amount of aluminium powder can be kept quite low, up to 5 wt.%, preferably between 0.1 to 1.5 wt.%.

However according to claim 1 the pigmented layer should comprise ... at least 0.1 wt %, calculated on the basis of the pigmented layer, of aluminium powder (dry weight). The amount of aluminium powder in the pigmented layer may therefore be quite high as well.

The scope of the claimed protection exceeds therefore the disclosure of the invention.

item V)

The most relevant prior art is known from JP-A 02-137986 (d4).

From d4 a transfer label material for image transfer is known, said material comprising a backing carrier material (F) and a transfer layer (16), said transfer layer (16) at least comprising an image layer (14), an adhesive layer (15) and a pigmented layer (14a) between the adhesive layer (15) and the image layer (14), said pigmented layer (14a) comprising a binder material, a white pigment, aluminium fine particles or a colour of the same series or substantially the same lightness as the ink layer.

The pigmented layer (14a) reduces the influence of the colour of a base material.

A transfer label material according to claim 1 of the application is different from the known one in that the pigmented layer comprises at least one pigment and at least 0.1 wt.%, calculated on the basis of the pigmented layer, of aluminium powder.

It has been found that adding a relatively small amount of aluminium powder to the pigmented layer results in an opacity, sufficient to hide an existing underlying printing and/or to prevent bleed through of the background colour (page 2, lines 20 to 24 of the description). An additional effect compared with a known transfer label material is not disclosed.

It is noted that aluminium fine particles are well-known opacifying means. In a transfer label material according to d4 they are used to reduce the influence of the colour of a base material. The amount of aluminium powder in the pigmented layer of the claimed transfer material may be quite high. An amount of at least 0.1 wt % of aluminium powder appears to cover all possibilities to obtain an hiding effect.

It does therefore not matter for obtaining said effects whether the pigment and the aluminium powder or in the same layer or in different layers.

The teaching of d4 is therefore incomplete (discloses pigments or aluminium powder but does not disclose their combination) and at least one of the possible ways of filling the gap which would naturally or readily occur to a person skilled in the art results in the claimed transfer label material (PCT-Guidelines IV-8.8 (A1(i))).

A transfer material according to claim 1 of the application is therefore obvious.

A shaped object according to claim 6 represents the normal use of a transfer material according to claim 1. Consequently a shaped object according to claim 6 is obvious as well.

Aluminium fine particles are well-known opacifying means. In a transfer label material according to d4 they are used to reduce the influence of the colour of a base material. One may therefore assume that the pigmented layer (14a) is opaque.

A transfer label material according to claim 2 of the application is therefore obvious as well.

The known transfer label material comprises a boundary layer (13) between the backing layer (F) and the image layer (14). A particle size of the aluminium fine particles between 1 and 100 μm appears to be obvious as well.

A transfer label material according to the claims 3 and 4 is therefore obvious.

it m VII) D4 is regarded as useful for understanding the invention. However d4 is not discussed in the description (Rule 5.1(ii) PCT)

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INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference P48868PC00	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/NL 00/ 00584	International filing date (day/month/year) 24/08/2000	(Earliest) Priority Date (day/month/year) 27/08/1999
Applicant HEINEKEN TECHNICAL SERVICES B.V. et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 03 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :



contained in the international application in written form.



filed together with the international application in computer readable form.



furnished subsequently to this Authority in written form.



furnished subsequently to this Authority in computer readable form.



the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.



the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

as suggested by the applicant.



because the applicant failed to suggest a figure.



because this figure better characterizes the invention.

1



None of the figures.

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 B44C1/17

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 7 B44C

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

PAJ, WPI Data, EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	PATENT ABSTRACTS OF JAPAN vol. 011, no. 001 (M-550), 6 January 1987 (1987-01-06) & JP 61 179779 A (TSUNETO WATANABE), 12 August 1986 (1986-08-12) abstract	1
A	PATENT ABSTRACTS OF JAPAN vol. 018, no. 119 (M-1567), 25 February 1994 (1994-02-25) & JP 05 309996 A (NIPPON PAINT CO LTD), 22 November 1993 (1993-11-22) abstract	1



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

* Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- * & * document member of the same patent family

Date of the actual completion of the international search

29 November 2000

Date of mailing of the international search report

06/12/2000

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Herrmann, J

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	PATENT ABSTRACTS OF JAPAN vol. 1999, no. 09, 30 July 1999 (1999-07-30) & JP 11 115391 A (SHOWA INK KOGYOSHO:KK;KAMETANI SANGYO KK), 27 April 1999 (1999-04-27) abstract ---	1
A	PATENT ABSTRACTS OF JAPAN vol. 014, no. 375 (M-1010), 14 August 1990 (1990-08-14) & JP 02 137986 A (HONDA MOTOR CO LTD), 28 May 1990 (1990-05-28) abstract ---	1
A	PATENT ABSTRACTS OF JAPAN vol. 012, no. 195 (M-705), 7 June 1988 (1988-06-07) & JP 63 001585 A (REIKO CO LTD), 6 January 1988 (1988-01-06) abstract ---	1
A	DATABASE WPI Section Ch, Week 199424 Derwent Publications Ltd., London, GB; Class A97, AN 1994-196794 XP002131911 & JP 06 135198 A (NIPPON SHASHIN INSATSU KK), 17 May 1994 (1994-05-17) abstract -----	1

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/NL 00/00584

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
JP 61179779 A	12-08-1986	NONE	
JP 05309996 A	22-11-1993	NONE	
JP 11115391 A	27-04-1999	NONE	
JP 02137986 A	28-05-1990	NONE	
JP 63001585 A	06-01-1988	NONE	
JP 6135198 A	17-05-1994	JP 2660787 B	08-10-1997